

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

MAXWELL ROUX, JOHN DUFF III,  
HENRY SMITH, and BRUNO NISPEL,

Plaintiffs,

v.

KRISHNA OKHANDIAR, REMILIA  
CORPORATION LLC, a Delaware limited  
liability company, and REMILIA  
INDUSTRIES, LLC, a Delaware limited  
liability company,

Defendants.

C.A. No. 1:23-cv-01056-GBW

**DEFENDANTS’ MOTION TO DISMISS PLAINTIFFS’ FIRST AMENDED  
COMPLAINT OR, IN THE ALTERNATIVE, FOR A MORE DEFINITE STATEMENT**

Krishna Okhandiar (“Okhandiar”), Remilia Corporation LLC (“RemCorp”), and Remilia Industries LLC (“RemIndustries”) (collectively “Defendants”), by and through undersigned counsel, hereby respectfully move an order dismissing Counts I, II, III, IV, V, VI, VII, VIII, IX, and XIII of Plaintiffs’ first amended complaint (“First Amended Complaint”) pursuant to Rule 12 of the Federal Rules of Civil Procedure. In support of Defendants’ motion, Defendants have filed, simultaneously herewith, an opening brief (the “Opening Brief”) in accordance with D. Del. LR 7.1.3. Defendants incorporate the Opening Brief by reference as if fully set forth herein. Defendants respectfully request the Court dismiss the First Amended Complaint filed by Plaintiffs.

In the alternative, if the Court agrees with Defendants that Plaintiffs have failed to adequately plead the factual basis for their claims but concludes that dismissal of any or all of the claims targeted in this motion is not merited, Defendants ask the Court to order Plaintiffs to provide a more definite statement of their claims pursuant to Fed. R. Civ. P. 12(f).

Dated: April 12, 2024

CROSS & SIMON, LLC

/s/ David G. Holmes

Christopher P. Simon (No. 3697)

David G. Holmes (No. 3697)

CROSS & SIMON, LLC

1105 North Market Street, Suite 901

Wilmington, Delaware 19801

Tel: (302) 777-4200

[csimon@crosslaw.com](mailto:csimon@crosslaw.com)

[dholmes@crosslaw.com](mailto:dholmes@crosslaw.com)

- and -

Bradley W. Madsen, Esq

Steven J. Joffee, Esq.

Evan S. Strassberg, Esq.

MICHAEL BEST & FRIEDRICH LLP

2750 East Cottonwood Parkway, Suite 560

Cottonwood Heights, UT 84121

Tel: (801) 833-0477

[bwmadsen@michaelbest.com](mailto:bwmadsen@michaelbest.com)

[sjoffee@michaelbest.com](mailto:sjoffee@michaelbest.com)

[esstrassberg@michaelbest.com](mailto:esstrassberg@michaelbest.com)

*Attorneys for Defendants*